

# **DAN SEALS**

**DEMOCRAT FOR CONGRESS**

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FEDERAL ELECTION  
COMMISSION

2009 NOV -6 PM 12:40

OFFICE OF GENERAL  
COUNSEL

November 3, 2009

Jeff S. Jordan, Esq.  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

Re: MUR 6221

Dear Mr. Jordan:

On behalf of Dan Seals for Congress and Harry Pascal, as Treasurer, this letter is submitted in response to a 2008 election finance complaint against Transfund PAC, FEC#C00430983. On or about the time period from September 30 to October 31, 2008, Dan Seals for Congress received two separate payments of \$2,000.00 and \$1,000.00 from Transfund PAC. On or about October 26, 2009, we received your letter with an attached complaint that indicated that Transfund PAC never properly qualified to be a multi-candidate PAC. Upon reading your letter and with no previous knowledge of the disqualification until we received your letter, Dan Seals for Congress issued a refund check on October 28, 2009 to Transfund PAC for \$700.00. Based on the facts detailed below, the Federal Election Commission should find no reason to believe that Dan Seals for Congress or Harry Pascal violated the Federal Election Campaign Act of 1971, as amended, or the Commission's regulations, and it should dismiss this matter.

## **I. Facts**

Dan Seals was a candidate for United States Congress in Illinois' Tenth Congressional District during the 2008 election cycle and is a candidate for the same office during the 2010 election cycle. Dan Seals for Congress is an authorized candidate committee.

On or about September 30, 2008, Dan Seals for Congress received a \$2,000.00 check from Transfund PAC (Exhibit A). Since this was the first contact with Transfund PAC, we followed our due diligence procedures of verifying the legitimacy of this PAC. Our first step was to review the check itself which listed the name of the PAC and the FEC number and was properly made payable to Dan Seals for Congress. Next, we researched the FEC web site for Transfund PAC FEC# C00490983 to verify that this was in fact a multi-candidate PAC. On July 14, 2008, per the FEC web site, a Form 1M was filed that indicated that Transfund PAC qualified as a multi-candidate PAC (Exhibit B). On or about October 31, 2008, Dan Seals for Congress received a \$1,000.00 check from Transfund PAC (Exhibit C). The campaign undertook the same review process for the \$1000 check as described above.

On or about October 26, 2009, Dan Seals for Congress received the FEC letter of complaint. This letter stated in great detail why Transfund PAC did not qualify as a multi-candidate PAC and thereby lost its status as a multi-candidate PAC. Upon reading that letter and learning for the first time of the disqualification, Dan Seals for Congress issued a \$700.00 refund check (Exhibit D) to Transfund PAC.



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## **II. Legal Analysis**

The Federal Election Campaign Act and the Commission's regulations state "when making a contribution to a candidate's campaign, a multi-candidate PAC must notify the campaign in writing that it has qualified for multi-candidate status". 110.2(a)(2). The FEC Act and Regulations also state "When the contributing committee fails to provide such a notification, the candidate committee's treasurer should verify whether that committee has qualified in order to avoid accepting an excessive contribution." 103.3(b).

- A. Transfund PAC did not provide that documentation to the Dan Seals for Congress committee verifying that they qualified as a multi-candidate PAC and that information was not preprinted on the checks. Therefore Harry Pascal went to the FEC website per 103.3(b) and searched and found the Form 1M that Transfund PAC filed on July 14, 2008 (Exhibit B). Form 1M states in number 4, status by affiliation, that Transfund PAC qualified as a multi-candidate committee. Furthermore in 5 (d), status by qualification, the Form M1 states that Transfund PAC met the requirements on July 1, 2008.

Dan Seals for Congress and Harry Pascal met their obligations under the Federal Election Campaign Act and the Commission's regulations by investigating that funds received from Transfund PAC were from a multi-candidate committee.

The Federal Election Campaign Act and the Commission's regulations state "If a committee deposits a contribution that appears to be legal and later discovers that it is prohibited (based on new information not available when the contribution was deposited), the committee must disgorge the contribution within 30 days of making the discovery." 103.3(b).

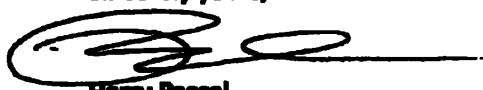
- B. Dan Seals for Congress and Harry Pascal first became aware of the fact that Transfund PAC improperly amended their status to a multi-candidate PAC on October 26, 2009 after reading MUR 6221 sent by the Office of General Counsel. As required in FEC Act, a refund check was issued on October 28, 2009 for \$700.00 made payable to Transfund PAC (Exhibit D).

Dan Seals for Congress and Harry Pascal met their obligations under the Federal Election Campaign Act and the Commission's regulations by issuing a refund check for the excess contribution within the 30 day requirement upon discovery that Transfund PAC had not qualified as a multi-candidate committee.

## **III. Conclusion**

In sum, Dan Seals for Congress and Harry Pascal met their obligations under the Federal Election Campaign Act and the Commission's regulations. Therefore, for the reasons set forth above, Dan Seals for Congress and Harry Pascal respectfully request that the complaint against them be dismissed.

Sincerely yours,



Harry Pascal

As Treasurer and on behalf of Dan Seals for Congress

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Exhibit B



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# FEC FORM 1M

## NOTIFICATION OF MULTICANDIDATE STATUS

FILING FEC-350158

### 1. TransFund PAC

499 S. Capitol St., SW  
Suite 404  
Washington, DC 20003

2. FEC Committee ID #: C00430983

3. This is NOT a state party committee

### 4. STATUS BY AFFILIATION:

The committee submitted its Statement of Organization (FEC FORM 1)  
on 07/14/2008 and simultaneously qualified as a multicandidate committee through its  
affiliation with:

Committee Name: TransFund PAC  
FEC Identification Number: C00430983

### 5. STATUS BY QUALIFICATION:

(a) Candidates: The committee has made contributions to the five federal candidates listed below:

	Name	Office Sought	State/District	Date
(i)	Andre Carson	House of Representatives	Indiana/07	04/10/2008
(ii)	Laura Richardson	House of Representatives	California/37	07/23/2007
(iii)	Al Wynn	House of Representatives	Maryland/04	02/06/2008
(iv)	Hank Johnson	House of Representatives	Georgia/04	12/21/2007
(v)	Mark Schauer	House of Representatives	Michigan/07	11/16/2007

(b) Contributors: The committee received a contribution from its 51st contributor on: 06/30/2008

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(c) **Registration:** The committee has been registered for at least 6 months. FEC FORM 1 was submitted on: 02/23/2007

(d) **Qualification:** The committee met the above requirements on: 07/01/2008

**Treasurer:** Rod Kassir  
**Date Signed:** 07/14/2008

**(End FEC FORM 1M)**



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